



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve a new Development Code Update Plan and Adopt a resolution authorizing the City Manager to enter into contract with Jacobson & Wack in the amount of up to \$55,000 for contract services related to the completion of the Development Code Update.

MEETING DATE: April 4, 2007

PREPARED BY: Randy Hatch, Community Development Director

RECOMMENDED ACTION: That the City Council approve a new Development Code Update Plan and adopt a resolution authorizing the City Manager to enter into contract with Jacobson & Wack in the amount up to \$55,000 for contract services related to the completion of the Development Code Update.

BACKGROUND INFORMATION: In January of 1999, the City entered into a contract with the firm of Crawford, Multari & Clark, Associates for a major revision of the City's Zoning Ordinance. The contract was for the amount of \$111,780.00 and was for the preparation of a new development code to replace the City's current Zoning Ordinance. In 2004, the City decided to cancel the contract with Crawford/Multari due to significant budgetary constraints and the departure of key departmental staff. When the contract was terminated, the consultants had only spent approximately 60% of the budget. The remaining 40% or \$44,712 was reallocated back to the City's General Fund.

One of the basic issues that triggered the need for a new Development Code is the age of the existing Zoning Ordinance. The existing document was adopted in the mid-1950s and was the City's first comprehensive zoning ordinance. Because of the age of the document, some of the concepts and standards are out of date. Regulations related to development standards including setbacks, densities, lot coverage, etc. that worked 50-years ago do not relate as well to current development practices. Additionally, amendments have been made to various sections of the ordinance over the years to try to address specific planning and zoning issues as well as conform to changes in state law. These changes have created internal inconsistencies in the ordinance and have made it increasingly difficult for City staff and the public to utilize the current zoning ordinance. Lastly, the zoning ordinance has certain inconsistencies with the City's current General Plan, which was adopted in 1991, and this can create confusion in the interpretation of the standards for development.

The consultants began the process of preparing a new Development Code shortly after being awarded the contract. They worked with City staff and the Planning Commission to determine what the City wanted in a new Development Code, and what issues or problems the City had with the existing Zoning Ordinance. One of the early directions they received from the City was to prepare a document that would retain some semblance with the current zoning code and one that would not be a radical departure from the current zoning practices. The City was looking for a Development Code that was more evolutionary as opposed to revolutionary in nature. The City hoped to update and upgrade the ordinance while still retaining development concepts that have made Lodi a special place.

APPROVED:

A handwritten signature in dark ink, appearing to read "Blair King".

Blair King, City Manager

Based on this direction, the consultants went through the existing zoning ordinance chapter by chapter and suggested changes or ways to improve the document. This included greatly expanding and updating the list of definitions; adding numerous tables and illustrations to help explain zoning and planning concepts; changing or adding regulatory standards to address current development issues faced by the City; and reorganizing the document to make it easier to comprehend and making it more user-friendly. Additionally, the document codifies procedural issues to help the public navigate the sometimes complex planning and zoning process.

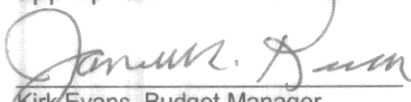
City staff reviewed these suggestions and added their own comments and ideas. Following numerous reviews and rewrites, the consultants prepared a series of draft chapters of the document for review by the City. The individual chapters were brought before the Planning Commission for their input and suggestions over a period of a year or so. Based on the Planning Commission's discussions, their ideas and suggestions for changes were incorporated into the document. At this stage of the process, the City decided to temporarily halt the project and stop further work on the new Development Code accounting for approximately 60% of the entire project scope and approximately \$67,068 of the entire project budget.

Recent discussions with both the City Council and the Planning Commission have resulted in indications that there may be a desire to once again move forward with the preparation and adoption of this new Development Code and to include specific areas of interest including; residential intensification, itinerant merchants and commission review of architecture and site plans.

ANALYSIS: Planning staff has received direction from both the City Council and the Planning Commission to move forward with the completion and adoption of the new Development Code. In order to proceed with the update, staff has contacted land use planning consultants Jacobson & Wack to complete the preparation of the unfinished Development Code. City staff requested that the consultants provide the City with a Request for Proposal (Exhibit A). The consultants will work closely with City staff throughout the process of document preparation, review and final adoption. Jacobson & Wack were the sub-consultants for Crawford, Multari & Clark, Associates who the City originally hired back in 1999 to conduct the major revision of the City's Zoning Ordinance. Because of their knowledge, familiarity and experience with the project that current staff doesn't possess, staff is confident that Jacobson & Wack is qualified to assist the City in delivering the background, institutional knowledge and a final adoptable version of the Development Code. Jacobson & Wack has proposed a budget of \$49,480 for their work. Staff suggests an approximate 10% contingency be added to authorize up to \$55,000 for Jacobson & Wack work.

FISCAL IMPACT: Up to \$55,000 plus associated staff time and costs of publishing public hearing notices.

FUNDING AVAILABLE: Staff recommends that \$55,000 for the Jacobson & Wack contract be appropriated from the General Fund to the Community Development Fund.

for 
Kirk Evans, Budget Manager

For 
Randy Hatch
Community Development Director

JACOBSON & WACK

LAND USE PLANNING CONSULTANTS

9530 Hageman Road, Suite "B" 205, Bakersfield, CA 93312 (661) 213-4100 (661) 213-4111 (FAX)
jwplans@lightspeed.net

February 27, 2007

Mr. Peter Pirnejad
Director, Planning Division
Lodi City Hall
221 West Pine Street
Lodi, CA 95240

Subject: Proposal for the completion of an unfinished Development Code

Dear Mr. Pirnejad:

Thank you for inviting me to submit a proposal to complete the City's first comprehensive Development Code. Based on our recent discussion, this proposal will address my proposed approach to complete the preparation of the unfinished Development Code, whose original program was initiated in October, 1998. As we discussed during our recent telephone conversation, some of the tasks that I have identified in the work plan could be partially or completely accomplished by City staff in order to keep the budget within the City's established spending limits.

The attached recommended work plan is based on my current understanding of the City's needs and my experience with other similar projects. I anticipate working very closely with City staff throughout the process of document preparation, review, and adoption. And, as always, I will be highly responsive to any evolving City objectives as they may develop over the course of the project.

I welcome the opportunity to work with the City of Lodi on this important project. Please do not hesitate to contact me at (661) 213-4100 if you require any additional information. I encourage you to contact my past clients (reference list available upon request) who can attest to my ability to deliver an excellent product that meets or even exceeds the City's needs.

Respectfully submitted,
Jacobson & Wack

Bruce Jacobson
Principal

WORK PLAN, BUDGET, AND SCHEDULE

Completion of the unfinished Development Code February 27, 2007

1. **Document review.** Even though I was a major contributor to the entire draft Development Code, I will first thoroughly review all of the most recent drafts of the document last submitted to the City in February, 2006. While the footer on these documents (all eight articles) contains a date of 2/06, the actual material contained in the documents date back to as early as October, 1999 (Article 8) and May, 2000 (Articles 3 & 4). Consequently, my memory needs a great deal of refreshment.

Budget: \$2,720 (16 hours at \$170 per hour)

2. **Meeting with City staff.** I will conduct one meeting with appropriate City staff members to:

- Review the City's direction and expectations for the initiation of the original project back in October, 1998.
- Review the City's direction and expectations for this project.
- Discuss the issues associated with the existing Preliminary Draft of the Development Code, dated 2/06. This would include the identification of text materials in need of updating (e.g., Child Day Care Facilities, Second Dwelling Units, Subdivision Ordinance Provisions, Telecommunications Facilities, etc.) as well as any new materials that the City staff may want added to the draft Development Code (e.g., Affordable Housing – Density Bonus Provisions, Requests for Reasonable Accommodations under ADA and Title 24, etc.).
- Tour the City to observe actual built conditions that should be "corrected/discouraged" or "incentivised/encouraged" in the new Development Code.
- Review format and organization alternatives, if desired.

A product of this meeting will be a detailed list of items that need special attention and additional work in the draft Development Code. If desired by the City, I will attend additional meetings on a time and materials basis (\$1,500 per additional meeting).

Budget: \$2,000

3. **Revised Preliminary Draft Development Code.** Following the initial meeting with staff identified in Task 2, above, I will prepare a draft of all of the updated and new materials identified in Task 2, above, as in need of addition to the draft Development Code. I will then incorporate all of these materials into the appropriate locations within the Revised Preliminary Draft Development Code. A preliminary set of graphics and illustrations will be included, where needed. (Provide one electronic copy.)

Budget: \$20,400 (120 hours at \$170 per hour)

4. **Screencheck Draft Development Code.** Following review and comment of the Revised Preliminary Draft Development Code by staff, I will prepare the Screencheck Draft Development Code to confirm that all of staff's suggested/requested refinements have been properly incorporated into the draft Development Code. (Provide one electronic copy.)

Budget: \$6,800 (40 hours at \$170 per hour)

5. **Public Review Draft Development Code.** Following review and comment of the Screencheck Draft Development Code by staff, I will prepare the Public Review Draft Development Code to confirm that all of staff's suggested/requested refinements have been properly incorporated into the draft Development Code for presentation to the Planning Commission for review and recommendation and City Council for review and adoption. (Provide one electronic copy.)

Note: Consideration should be given for a public outreach program to share the Public Review Draft Development Code with the general public and industry stakeholders before initiation of the public hearings.

Budget: \$3,400 (20 hours at \$170 per hour)

6. **Planning Commission hearings (2).** I will attend and participate in up to two public hearings with the Planning Commission to review the Public Review draft of the new Development Code. This task anticipates the preparation of a PowerPoint presentation to assist the Commission and public in better understanding the material being presented. During the hearings, I will provide support for Commission and public review, as determined appropriate by the City's project manager, by being available to answer questions about proposed revisions, to discuss possible alternative approaches, and to draft revised language in response to staff or Commission direction. If desired by the City, I will attend additional meetings on a time and materials basis.

Budget: \$3,000 (Flat rate of \$1,500 per public hearing)

7. **City Council hearings (2).** I will attend and participate in up to two public hearings where the City Council considers the adoption of the new Development Code. I will be prepared to present the previously prepared (Planning Commission) PowerPoint presentation. During the hearings, I will provide support for Council and public review, as determined appropriate by the City's project manager, by being available to answer questions about proposed revisions, to discuss possible alternative approaches, and to draft revised language in response to staff or Council direction. If desired by the City, I will attend additional meetings on a time and materials basis.

Budget: \$3,000 (Flat rate of \$1,500 per public hearing)

8. **Screencheck Final Development Code.** After adoption of the new Development Code and before its effective date, I will prepare a final version, incorporating all changes made by the City Council. I will provide a screencheck version so that City staff can verify that the document accurately incorporates all changes approved by the City Council during the adoption process. (Provide one electronic copy.)

Budget: \$5,440 (32 hours at \$170 per hour)

9. **Final Development Code.** Following receipt of City staff's confirmation of the Screencheck Final Development Code, I will prepare the Final Development Code for delivery to the City for codification and publication. I will provide an electronic copy in Microsoft Word software and .PDF format. Graphics will be provided in an electronic format.

Budget: \$2,720 (16 hours at \$170 per hour)

TOTAL BUDGET: \$49,480*

* Progress billings will be forwarded to the City on a monthly basis based on time and materials and upon my standard hourly rate of \$170. Because of the uncertainty of the level of work required for the preparation of Task 3. (Revised Preliminary Draft Development Code), I shall notify the City when the earned fee amounts to approximately 80 percent of the above estimated total budget amount (\$49,480) and shall further notify the City as to the status of the project and any potential need for a budget augmentation. The City will be responsible for the preparation of all required CEQA studies and documentation.

PROJECT SCHEDULE BY TASK

Tasks	To Be Submitted/Conducted
1. Document review.	Within 30 days of receipt of City's ■Notice to Proceed.
2. Meeting with City staff	Within 30 days of receipt of City's ■Notice to Proceed.
3. Revised Preliminary Draft Development Code	Within 60 days following completion of Task 2.
4. Screencheck Draft Development Code	Within 45 days following receipt of City staff's comments on the Revised Preliminary Draft Development Code. (Task 3)
5. Public Review Draft Development Code	Within 21 days following receipt of City staff's comments on the Screencheck Draft Development Code. (Task 4)
6. Planning Commission hearings	To be determined at a later date
7. City Council hearings	To be determined at a later date
8. Screencheck Final Development Code	Within 14 days following completion of Task 7.
9. Final Development Code	Within 14 days following completion of Task 8.

RESOLUTION NO. 2007-57

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING NEW DEVELOPMENT CODE UPDATE PLAN,
AND FURTHER AUTHORIZING THE CITY MANAGER TO
EXECUTE CONTRACT WITH JACOBSEN & WACK FOR
SERVICES RELATED TO THE COMPLETION OF THE
DEVELOPMENT CODE UPDATE

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NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby
approve the new Development Code Update Plan; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to
execute a contract with Jacobsen & Wack for services related to the completion of the
Development Code update in an amount not to exceed \$55,000.

Dated: April 4, 2007

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I hereby certify that Resolution No. 2007-57 was passed and adopted by the City
Council of the City of Lodi in a regular meeting held April 4, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Katzakian, Mounce, and
Mayor Johnson

NOES: COUNCIL MEMBERS – Hitchcock

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk